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TRUONG, LECHI				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,135

Applicant(s)

GUPTA ET AL.

Examiner

LECHI TRUONG

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-24 are presented for the examination.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/15/2008 has been entered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-8 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.
4. Claims 1-8 are non-statutory because they are not tangibly embodied in a manner so as to be executable as the only hardware.
5. Claim 1 defines "System" in the preamble and the body of the claim recites "a driver", "a first connection manager". The driver, a first connection manager appear to be software modules, which are not tangible. Therefore, claim 1 is non-statutory because it recites a system claim that comprises non-tangible embodiments.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The claim language in the following claims is not clearly understood:

i. As to claim 17, it is not clearly understood the claim 17 is a method claim or not since the preamble define "A computer-readable medium". However, the body of claim comprises the method steps.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1, 7, 9, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snead et al (US 2003/0041179 A1) and further in view of Lucovsky (US 6,868,450 B1).**

9. **As to claim 1**, Snead teaches the invention substantially as claimed including: a driver (driver 206, para [0033], In 12-14/ Fig. 2), interface device (storage device 204, para [0033], In

12-14), access data (erasing the content on the media, para [0037], ln 13-15/access to remove a tape of tape drives, para [0042], ln 4-6/ erasing media and adding ... for the tape or device, para [0043], ln 5-8), driver adapted to control interface device and monitor access data (a request to alter the identification of media on a storage device 204. At step 230, the client application 202 initiates a particular task. This task may include, for example, an erase operation or writing a label operation. The driver 200 receives the request and performs the initiated task at step 232, para [0044], ln 3-7/ the class driver 210 within the device driver 206 begins polling the device 204 for changes to the media or device, para [0039], ln 16-19/para [0037], ln 6-15); the access data corresponding to attempts made to access interface device (altering the identification of the media within the storage device 204. These identification changes include, but are not limited to, erasing media and adding or altering a label for the tape or device, para[0043], ln 4-8), the first connection manager(the library manager 200, para[0039], ln 11-18/ the library manager 200, para[0035], ln 1-4/ the library manager 200 is an application that enables multiple client applications 202 to share one or more removable storage devices 204 ,para[0033], ln 3-6/ therefore the library manager is a connection manager), when the driver detects network access data from a second connection manager(para[0037], ln 1-15), a first connection manager adapted to register with the driver and receive notification data from the driver, the driver provides the notification data to the first connection manager(the library manager then registers for the notifications it wants to receive regarding the devices at step 222. As mentioned above, notifications include events such as a drive's unclean state, media erased, media arrival and removal. At step 224, the class driver 210 within the device driver 206 begins polling the device 204 for changes to the media or device. Should a state change occur, the driver 206 notifies the

library manager 200 of the event at step 226 para[0039], In 10-22), a second manager adapter (the application, para[0038], In 6-14/ para[0039], In 19-22/ client applications 202, para[0034], In 1-5) , access data from a second connection manager(a client application 202 initiating a request to alter the identification of media on a storage device 204. At step 230, the client application 202 initiates a particular task. This task may include, for example, an erase operation or a writing a label operation, para [0044], In 1-6), the driver provides the notification data to the first connection manager when the driver detects access data from a second connection manager, the notification data corresponding to the connection attempts (For example, a client application 202 initiates an erase operation to erase all the content on a particular tape. The client application 202 talks directly to the driver 206 via a WIN32 API to erase the tape when using the "WINDOWS" operating system available form "MICROSOFT." The driver 206 then notifies the library manager 200 of the erase operation and the library manager 200 then updates its database 208 to reflect the change in identity of the tape on that particular storage device 204, para [0044], In 22-30).

10. Snead does not explicitly teach network access a network interface device, the manager to facility connecting to one or more wireless networks. However, Lucovsky network access a network interface device (computing device 110, A process 101 associated with an application program (not shown) and executing on computing device 100 can communicate (send and receive data), col 4, In 18-19/ Thus, process 101 communicates with process 301 by exchanging TCP/IP packets via network 11, by using NIC 101. Similarly, the process 301 sends and receives TCP/IP packets over network 11, using NIC 301 to communicate with process 101, col 4, In 25-30), the manager to facility connecting to one or more wireless networks(When receiving

packets via network 11, the network filter driver 140 intercepts the TCP/IP packets from the network driver 113, col 8, ln 23/ If the system call trap handler 116[manager] specifies that the packet should be dropped (for example, if the process attribute 119 differs from the NIC attribute 105), the network filter driver 140 will drop the packet. Otherwise, the packet is delivered [access] to the TCP/IP driver 110 for delivery to the receiving process (process 101), col 8, ln 41-46).

11. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Snead with Lucovsky to incorporate the feature of network access a network interface device, the manager to facility connecting to one or more wireless networks because this provides mechanism that can determine whether a process having a certain attribute may access a NIC in order to gain access to the network to which the computer and the NIC are connected.

12. **As to claim 7**, Lucovsky teaches the first connection manager is further adapted to disable the second connection manager (Thus, process 101 communicates with process 301 by exchanging TCP/IP packets via network 11, by using NIC 101. Similarly, the process 301 sends and receives TCP/IP packets over network 11, using NIC 301 to communicate with process 101, col 4, ln 25-30/ If the system call trap handler 116[first manager] specifies that the packet should be dropped (for example, if the process attribute 119 differs from the NIC attribute 105), the network filter driver 140 will drop the packet, col 8, ln 41-45/ the second manger is disabled when the packet is dropped, the packet can not be delivered. If the system call trap handler 116[manager] specifies that the packet should be dropped (for example, if the process attribute 119 differs from the NIC attribute 105), the network filter driver 140 will drop the packet, col 8,

In 41-45/ the process 301 is disabled when the packet sent from the process 303 can not be transferred to the process 101).

13. **As to claim 9**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Lucovsky teaches the manage can monitor attempts made to access the network interface device (the system call trap handler 116 via connection 161 for a decision as to whether or not the packet should be delivered to the process 101. This decision is made by comparing the process attribute 119 (NetAttr) that is associated with the receiving process (process 101) and that was retrieved from the database 115 with the NIC attribute 105 associated with the NIC 103 from which the packet was received. If the system call trap handler 116 specifies that the packet should be dropped (for example, if the process attribute 119 differs from the NIC attribute 105), the network filter driver 140 will drop the packet. Otherwise, the packet is delivered to the TCP/IP driver 110 for delivery to the receiving process (process 101), col 8, ln 35-45).

14. **As to claim 17**, it is an apparatus claim 9; therefore, it is rejected for the same reason as claim 9 above.

15. **Claims 2, 3, 13, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snead et al (US 2003/0041179 A1) in view of Lucovsky (US 6,868,450 B1), as applied to claim 1 above, and further in view of Nakamura et al (US 2003/0078898 A1).**

16. **As to claim 2**, Snead and Lucovsky do not explicitly teach a user interface adapted to receive notification data the first connection manager, receive user input from a user, and provide

the user input to the first connection manager. However, Nakamura teaches a user interface adapted to receive notification data from the first connection manager, receive user input from a user, and provide the user input to the first connection manager (the user's home 26 are connected with unit charge notification apparatus 33 in the service facilities 21, para [0092], In 1-5/ Fig. 4/ the apparatus 33 notifies the received initial unit charge to the charging apparatus 34 and the user's home 26, para [0107], In 3-6/para[0053], In 3-6)/ the user can look at the displayed unit charge on the display 28, then can access to the computer 24 in the service facilities 21, para[0108], In 3-7).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Snead and Lucovsky with Nakamura to incorporate the features of a user interface adapted to receive notification data the first connection manager, receive user input from a user, and provide the user input to the first connection manager because this allows a users to use the service in user's desired manner by looking at the display unit.

18. **As to claim 3**, Nakanura teaches display the notification data received from the first connection manager to the user (the display 8 displays the notified unit charge for various kinds of a communication service. Therefore, the subscriber can look at the displayed unit charge on the display 8, para [0054], In 1-5/para [0101], In 1-3).

19. **As to claims 13, 21**, they are apparatus claims of claim 3; therefore, they are rejected for the same reason as claim 3 above.

20. Claims 4- 6, 11, 12, 19, 20, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snead et al (US 2003/0041179 A1) in view of Lucovsky (US 6,868,450 B1), as applied to claim 1 above, and further in view of Jenney (US 6,349,335 B1).

21. **As to claim 4**, Snead teaches first connection manager(the library manager 200, para[0039], ln 11-18/ the library manager 200, para[0035], ln 1-4/ the library manager 200 is an application that enables multiple client applications 202 to share one or more removable storage devices 204 ,para[0033], ln 3-6/ therefore the library manager is a connection manager), Lucovsky teaches driver monitor network access (col 5, ln 65-67 to col 6, ln 1-5), Snead and Lucovsky do not teach the first connection computer is adapted to unregistered with the driver and the driver is further adapted to stop monitoring access data. However, Jenney teaches the first connection computer is adapted to unregistered with the driver and the driver is further adapted to stop monitoring access data (IF the user indicated that they wish to withdraw the computer 20 from the list of those computer being monitored by the server 16, clicking on field 62 with pointer 64 will remove the computer from the list of identified computers eligible for being monitored by the server, col 8, ln 39-45/ if the user request that the monitoring process be stopped, monitoring will stop for that particular computer, col 10, ln 3-7).

22. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Snead and Lucovsky with Jenney to incorporate the features of the first connection computer is adapted to unregistered with the driver and the driver is further adapted to stop monitoring data because this detects a computer failure or crash during

operation when the user is not attending the computer so that such a failure may be addressed as soon as possible.

23. **As to claim 5**, Jenney teaches the first connection manager is adapted to unregistered with the driver and the driver is further adapted to stop monitoring network access data when instructed to do so by a user via a user interface (IF the user indicated that they wish to withdraw the computer 20 from the list of those computer being monitored by the server 16, clicking on field 62 with pointer 64 will remove the computer from the list of identified computers eligible for being monitored by the server, col 8, ln 39-45/if the user request that the monitoring process be stopped, monitoring will stop for that particular computer col 10, ln 3-7/col 8, ln 40-50/ ln 32-37).

24. **As to claim 6**, Jenney teaches the first connection manager is adapted to unregistered with the driver and the driver is further adapted to stop monitoring network access data when required by a predetermined policy rule (col 9, ln 61-67).

25. **As to claims 11-12**, they are apparatus claims of claims 4, 7; therefore, they are rejected for the same reasons as claims 4, 7 above.

26. **As to claims 19-20, 23**, they are apparatus claims of claims 11-12, 15; therefore, they are rejected for the same reasons as claims 11-12, 15.

27. **Claims 8, 10,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snead et al (US 2003/0041179 A1) and further in view of Lucovsky (US 6,868,450 B1), as applied to claim 1 above, and further in view of Hyder(US 6,633,929 B1).**

28. **As to claim 8**, Snead and Lucovsky do not explicitly teach network driver interface specification (NDIS) object identifier. However, Hyder teaches network driver interface specification (NDIS) object identifier (Network Driver Interface Specification object identifiers, col 16, and 33-35).

29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching Snead and Lucovsky with Hyder to incorporate the feature of network driver interface specification (NDIS) object identifier because this allows a host computer to send connected devices data and commands without knowing specific details regarding the bus or network used to connect the device.

30. **As to claims 10, 18**, they are apparatus claim of claim 8; therefore, they are rejected for the same reason as claim 8 above.

31. **Claims 14, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snead et al (US 2003/0041179 A1) in view of Lucovsky (US 6,868,450 B1), as applied to claim 1 above, in view of Nakamura et al (US 2003/0078898 A1) and further in view of Ullmann (US 2002/0174362 A1).**

32. **As to claim 14**, Snead and Lucovsky do not teach displaying the notification received by the first connection manager. However, Nakamura teaches displaying the notification received by the first connection manager (a user interface adapted to receive notification data from the first connection manager, (the user's home 26 are connected with unit charge notification apparatus 33 in the service facilities 21, para [0092], In 1-5/ Fig. 4/ the apparatus 33

notifies the received initial unit charge to the charging apparatus 34 and the user's home 26, para [0107], ln 3-6, para [0053], ln 3-6 / the display 8 displays the notified unit charge for various kinds of a communication service. Therefor, the subscriber can look at the displayed unit charge on the display 8, para [0054], ln 1-5/para [0101], ln 1-3).

33. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Snead and Lucovsky with Nakamura to incorporate the features of displaying the notification received by the first connection manager because this allows a users to use the service in user's desired manner by looking at the display unit.

34. Snead, Lucovsky and Nakamura do not teach the notification that manager must be disabled manually by user. However, Ullmann teaches the notification that manager must be disabled manually by user (Status 858 shows the current packet usage status of each user. In the example, indicator 860 is directing the system administrator's attention to a user that has somehow exceeded or violated its monitoring parameters. The administrator could select the user name to view more information about the events associated with the user, or the administrator may select "PAUSE" button 862, "RESTART" button 864, or "STOP" button 866 to perform the indicated action on the user's applications so as to control the consumption of resources, i.e. network bandwidth, being used by the user, para [0130], ln 5-10).

35. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching Snead, Lucovsky and Nakamura with Ullmann to incorporate the feature of the notification that manager must be disabled manually by user because this performs administrative actions to control the user or application as required to prevent or limit the usage of small packets.

36. **As to claim 22**, it is an apparatus claim of claim 14; therefore, it is rejected for the same reason as claim 14 above.

37. **Claims 15, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snead et al (US 2003/0041179 A1) in view of Lucovsky (US 6,868,450 B1), as applied to claim 1 above, in view of Nakamura et al (US 2003/0078898 A1) and in view of Jenney (US 6,349,335 B1).**

38. **As to claim 15**, Snead, Lucovsky do not teaches displaying the notification received by the first connection manager, wherein the notification is displayed to a user via a user interface. However, However, Nakamura teaches displaying the notification received by the first connection manager, wherein the notification is displayed to a user via a user interface, receiving user input from the user interface (the user's home 26 are connected with unit charge notification apparatus 33 in the service facilities 21, para [0092], In 1-5/ Fig. 4/ the apparatus 33 notifies the received initial unit charge to the charging apparatus 34 and the user's home 26, para [0107], In 3-6/para[0053], In 3-6 / the display 8 displays the notified unit charge for various kinds of a communication service. Therefore, the subscriber can look at the displayed unit charge on the display 8, para [0054], In 1-5/para [0101], In 1-3).

39. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Snead and Lucovsky with Nakamura to incorporate the features of displaying the notification received by the first connection manager, wherein the

notification is displayed to a user via a user interface because this allows a users to use the service in user's desired manner by looking at the display

40. Snead, Lucovsky and Nakamura do not teach determining if the user input required disabling the first connection manager; and performing a first sequence if user input requires disabling the first connection manager, the first sequence comprising: unregistering the first connection manager with the driver; and terminating monitoring network access data from the second connection manager. However, Jenney teaches receiving user input from the user interface; determining if the user input required disabling the first connection manager(If the user indicates that they wish to withdraw the computer 20 from the list of those computers being monitored by the server 16, col 8, ln 39-41), and performing a first sequence if user input requires disabling the first connection manager, the first sequence comprising: unregistering the first connection manager with the driver(remove the computer from the list of identified computers eligible for being monitored by the server, col 8, ln 42-43), terminating monitoring network access data from the second connection manager(monitoring will stop for that particular computer, col 10, ln 5-6).

41. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Snead, Lucovsky and Nakamura with Jenney to incorporate the features of determining if the user input required disabling the first connection manager; unregistering the first connection manager with the driver; and terminating monitoring network access data from the second connection manager because this detects a computer failure or crash during operation when the user is not attending the computer so that such a failure may be addressed as soon as possible.

42. **As to claim 24**, it is an apparatus claim of claim 15; therefore, it is rejected for the same reason as claim 15 above.

43. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snead et al (US 2003/0041179 A1) in view of Lucovsky (US 6,868,450 B1), as applied to claim 1 above, and further in view of Alexander(US 5,949,753 A).

44. **As to claim 16**, Snead teaches the connection manager is registered with the driver associated with the device (the library manager then registers for the notifications it wants to receive regarding the devices at step 222. As mentioned above, notifications include events such as a drive's unclean state, media erased, media arrival and removal, para [0039], ln12-17).

45. Snead and Lucovsky do not teach second connection manager, unregistering the second connection manager; wherein the unregistering of the second connection manager is prior to registering the first connection manager. However, Alexander teaches the second connection manager(LEC 306 provides an interface for the backup default gateway, col 3, ln 1-2), unregistering the second connection manager ; wherein the unregistering of the second connection manager is prior to registering the first connection manager(LECs 308 and 306 also both attempt to register MAC address M3 with LES 316. Only LEC 308 or only LEC 306 will successfully register MAC address M3 since LES 316 does not allow registration of duplicate MAC addresses, col 3, ln 25-30/ LEC 306 deregisters MAC address M3 from LES 316. After the MAC address M3 is deregistered by the backup default gateway, the primary default gateway will register MAC address M3, col 4, ln 25-30/If LEC 306 registers MAC address M3 before

LEC 308, LEC 308 will also periodically try to reregister MAC address M3. In addition, LEC 308 will send LEC 306 a message instructing LEC 306 to deregister MAC address M3, thereby giving LEC 308 a chance to register MAC address M3 and to allow the primary default gateway to become active, col 3, ln 43-49).

46. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Snead, Lucovsky and with Alexander to incorporate the features of unregistering the second connection manager; wherein the unregistering of the second connection manager is prior to registering the first connection manager because this provides flexible transmitting data for end stations attached to emulated local area networks.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272-3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

/LeChi Truong/

Examiner, Art Unit 2194

LeChi Truong

May 1, 2008